Appendix.

[Vide item IV on page 325 supra.]

L.A. BILL No. 36 OF 1956.

(As passed by the Assembly.)

A Bill for the levy of full assessment on certain inam lands in the State of Madras.

Whereas it is expedient to provide for the levy of full assessment on certain inam lands in the State of Madras;
Be it enacted in the Seventh Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras Inams (Assessment) Act, 1956.

(2) It shall be deemed to have come into force on the 1st day of July 1956.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) " Collector " means a Revenue Divisional Officer and includes any person appointed by the State Government whether by name or in virtue of his office, to exercise any of the functions of a Collector under this Act;

(*b*) " Estates Land Act " means the Madras Estates Land Act, 1908 (Madras Act I of 1908);

(*c*) " inam " means an inam land as defined in clause (*d*) and includes an assignment of land revenue on such inam land;

(*d*) " inam land " means any land the grant of which in inam has been made, confirmed or recognized by the Government and includes any inam constituting an estate under the Estates Land Act, but does not include—

(i) any estate to which the provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), apply or may be applied;

(ii) any ryoti land, that is to say, any cultivable land in an estate held by a person other than the landholder;

(iii) any land granted by a landholder on service tenure either free of rent or on favourable rates of rent if granted before the passing of the Estates Land Act or free of rent if granted after that date, so long as the service tenure subsists;

(iv) beds and bunds of tanks and of supply, drainage surplus or irrigation channels;

(v) threshing-floor, cattle-stands, village-sites, and other lands which are set apart for the common use of the villagers;

(vi) waste lands and forests.

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Explanation.—The expression 'landholder' shall have the meaning assigned to it in clause (5) of section 3 of the Estates Land Act.

(*e*) "settlement" **includes resettlement.**

3. *Levy of full assessment*.—(1) Notwithstanding anything contained in any engagement, contract, grant or any law for the time being in force, it shall be lawful for the State Government to levy—

(*a*) on any inam land in a ryotwari village, the full assessment at the rate of assessment set out in the settlement notification for lands of a similar description and with similar advantages in the same village, and if there are no such lands, in the nearest ryotwari village where such similar lands exist;

(*b*) on any other inam land, the full assessment at the rate of assessment set out in the settlement notification for lands of a similar description and with similar advantages in the nearest ryotwari village where conditions are generally similar to those obtaining in the village in which the inam land is situated :

Provided that in the case of an inam granted on service tenure which is proved to consist of an assignment of land revenue only, no assessment under this sub-section shall be leviable, and the inamdar shall be liable to pay only the quit-rent, jodi, kattubadi or other amount of a like nature, if any, which he has been paying before the commencement of this Act.

Explanation I.—The levy of full assessment on any inam, which became an estate by virtue of the Madras Estates Land (Third Amendment) Act, 1936 (Madras Act XVIII of 1936), shall be in addition to any quit-rent, jodi, kattubadi or other amount of a like nature payable to the State Government by the landholder immediately before the commencement of this Act.

Explanation II.—If any quit-rent, jodi, kattubadi or other amount of a like nature was payable to the State Government immediately before the commencement of this Act in respect of any inam other than one falling under Explanation I, the assessment leviable on such inam under this section shall be in lieu of such quit-rent, jodi, kattubadi or other amount aforesaid and if, in respect of any such inam situated in an inam village, any jodi or other amount of a like nature is payable by the inamdar to the landholder of the village, the assessment leviable on such inam under this section shall be reduced by the amount of the jodi or other amount so payable.

(2) (*a*) Before making the assessment the Collector shall publish in the District Gazette and in such other manner as may be prescribed, a draft notification specifying the inam lands in respect of which the assessment is proposed to be levied under sub-section (1), and the rates of such assessment together with a notice specifying a date not being less than one month from the date of such publication at or after which such draft will be

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taken into consideration, and shall confirm or modify the assessment or pass such orders as he deems fit after considering any objections which may be made in respect of the draft by the inamdar or other person interested before the specified date and after making such inquiry, if any, as he deems fit.

(*b*) Any person deeming himself aggrieved by a decision of the Collector under clause (*a*) may prefer an appeal to the District Collector within the prescribed period and the District Collector may, after giving the appellant an opportunity of being heard, pass such orders on the appeal as he thinks fit.

(*c*) The decision of the District Collector under clause (*b*) and in cases where no appeal has been preferred the decision of the Collector under clause (*a*) shall, subject to the provisions of this Act, be final and shall not be liable to be questioned in any court of law.

(3) The inam lands and rates of assessment leviable thereon as finally decided shall then be published in the District Gazette and in such other manner as may be prescribed.

4. *Presumption in the case of service inams.*—In the case of an inam granted for the purpose of any service it shall be presumed, in the absence of evidence to the contrary, that the inam consists not merely of an assignment of land revenue payable in respect of the land but also of the land.

5. *Resumption of service inams.*—Nothing contained in this Act shall be deemed to affect the power of the State Government to resume any inam on the ground that the holder of such inam has failed to perform or make the necessary arrangements for performing the charity or the service for performing which the inam had been made, confirmed or recognized as aforesaid.

6. *Survey of inams.*—(1) Notwithstanding anything contained in any other law for the time being in force, any inam village, which became an estate by virtue of the Madras Estates Land (Third Amendment) Act, 1936 (Madras Act XVIII of 1936), or part of an estate as well as any other land (not forming part of any such estate), the grant of which in inam has been made, confirmed or recognized by the Government may be surveyed or if it has been surveyed before the 1st day of July 1956 may be re-surveyed, as if it were Government land, in accordance with the provisions for the survey of such land contained in the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923).

(2) The cost of the survey or re-survey, except so much thereof as is payable by any person under the provisions of section 8 of the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923) shall be borne by the State Government.

7. *Rights as between inamdar and other persons not affected.*—Nothing contained in this Act shall be deemed to define, limit, infringe or destroy the rights as between the inamdar and other persons, if any, in possession or enjoyment of the inam land.

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8. *Power to correct errors.*—If the State Government are satisfied that in any notification published under sub-section (3) of section 3, there is any error including any clerical or arithmetical error, or error arising from any accidental slip or omission, they may, by notification in the District Gazette concerned, correct such error.

9. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the State Government may as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

10. *Power to make rules.*—(1) The State Government may, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the determination of the assessment leviable under this Act in respect of unsurveyed lands;

(*b*) the classification of lands as wet, manavari or dry, for the purpose of fixing the rate of assessment leviable under this Act;

(*c*) the procedure to be followed by the Collector and the District Collector in inquiries and appeals under this Act;

(*d*) the manner of publication of the notifications under section 3, sub-sections (2) and (3).

(3) All rules made under this Act shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislative Assembly may make within fourteen days on which the House actually sits either in the same session or in more than one session.

11. *Inams to be subject to restrictions, etc.*—Where before the date of the coming into force of this Act, any inam land was held subject to any restrictions or conditions, such inam land shall, notwithstanding the levy of full assessment on such inam land under section 3 from the date of coming into force of this Act, be continued to be held subject to the same restrictions or conditions.

I certify that this is a Money Bill.

B. BHAKTHAVATSALU NAIDU,
Deputy Speaker, Madras Legislative Assembly.

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MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clause 3 (2) (*b*) empowers the Government to prescribe the period within which any person aggrieved by a decision of the Collector under clause 3 (2) (*a*) may prefer an appeal to the District Collector.

Clause 9 authorizes the Government to remove by an order any difficulty that may arise in giving effect to the provisions of the Bill when enacted.

Clause 10 authorizes the Government to make rules to carry out the purposes of the legislation, such as the determination of the assessment leviable under the legislation in respect of unsurveyed lands; the classification of lands as wet, manavari, or dry for the purpose of fixing the rates of assessment leviable under the legislation, the procedure to be followed by the Collector and the District Collector in enquiries and appeals under the legislation and the manner of publication of the notifications relating to assessment.

The delegated legislation is necessary to give effect to the provisions of the Bill when enacted and is of a normal character.

FINANCIAL MEMORANDUM.

Clause 6 of the Bill provides for the survey or re-survey of the inam lands. The cost of the survey or re-survey, except so much thereof as is payable by any person under the provisions of section 8 of the Madras Survey and Boundaries Act, 1923, shall be borne by the State Government. The Bill also provides for the issue of notifications specifying the inam lands in respect of which assessment is proposed to be levied and the rates of such assessment. It also provides for filing of objections to the Collector against the rates specified in the notification and for preferring an appeal to the District Collector against the orders of the Collector. If it is found that it is not possible for the regular revenue staff to deal with the above work, special staff may have to be employed. It is not, however, possible at this stage to estimate the expenditure that will have to be incurred in connexion with the administration of the legislation.

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